IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.71 of 2007
MD. FAIYAZ
Versus
STATE OF BIHAR & ANR
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4 2.9.2008 This revision application has been filed against the order dated 10.11.2006 passed by the Principal Judge, Bhagalpur in Misc.Case No.98of 2005 thereby the petitioner has been directed to pay maintenance to opposite party no.2 and her daughter at the rate of Rs.500/- per month.

Heard learned counsel for the petitioner as well as opposite party.

Learned counsel for the petitioner has challenged the impugned order on the ground that the marriage of the petitioner with opposite party no.2 was solemnized by force. The. second submission is that opposite party no.2 had also filed a criminal case under section 498A of the Indian Penal Code. The police after investigation submitted final form in that very case. The third ground is that the daughter of opposite party no.2 was not born out of alleged wedlock as she born within four months of the marriage.

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On the other hand, learned counsel for opposite party no.2 supported the impugned order and submitted that there is no illegality or impropriety in the impugned order. A large number of witnesses have supported the marriage in between the petitioner and opposite party no.2. The petitioner has also not denied the marriage. It is further submitted that paragraph 5 of the impugned order itself would go to show that Md. Faiyaz in course of inquiry did not agree to keep

opposite party no.1 at any cost. So far the daughter of opposite party no.2 is concerned, learned counsel for the opposite party no.2 submitted that she being the minor is also entitled for maintenance under Section 125(1)(b) of the Code of Criminal Procedure irrespective of legitimacy.

Considered the submission of learned counsel for the parties. Perused the impugned order.

On perusal of the impugned order it appears that the learned court below has considered the evidence adduced on behalf of both parties as well as facts and circumstances and rightly held that opposite party no.2 and her daughter are entitled to get maintenance from the petitioner. The petitioner is admittedly the husband of opposite party no.2. The quantum of maintenance is also commensurate with the means of the petitioner. The petitioner has been directed to pay maintenance at the rate of Rs.500/- per month only to each of them.

In the facts and circumstances I find no illegality or impropriety in the impugned order requiring any interference by this Court under revisional jurisdiction. Accordingly, this revision application is dismissed.

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**B.Jha** **(Ghanshyam Prasad)**